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LETTER OF T. L. CLINGMAN.

OF REPRESENTATIVES,
March 22, 1850.

To the Editors of the Republic:

GENTLEMEN: Your *Republic* of Wednesday contains a speech purporting to have been delivered by my colleague (Mr. STANLEY) in the House of Representatives, March 6th, 1850.

On looking over it I find that it includes some twenty or thirty extracts from speeches of mine delivered at different times within the last half a dozen years. On the day of its delivery, I think, I heard all that was said by my colleague. He commenced by saying, that as the day was a rainy one he would advise gentlemen to go to some more comfortable place, as he did not intend to speak for the House, but for his constituents. In the course of his remarks he stated that he had some extracts from my speeches which he should print, but which he did not intend to read, lest his hour should expire before he had concluded. Just before the close of his hour, however, having as I supposed gone over the ground of his speech, he began to read an extract from one of my speeches, but after going through a few sentences, he declared that, as his hour was nearly over, he would print it, and some others. Until the speech appeared in your paper, it was impossible either for me, or for the members generally, to know what particular portions or even what speeches he intended to read from. In fact, many of his quotations refer to points to which he made no allusion whatever in the course of his speech. It will not, I presume, be expected by any body that I should attempt a reply on the floor of the House; I could do so with no appearance of parliamentary propriety. Not only has so long a time elapsed that the matters really uttered by him have passed out of the minds of members, but I would be compelled to ask the House to give me its ear when replying to things not spoken there, wholly new to the members generally, and having no reference whatever to the practical business of legislation.

If this matter he has had printed merited a reply, it would doubtless be held sufficient for me, with your permission, to publish an answer in the same paper he has selected as the medium of his communication to the country. On looking over the speech, however, candor compels me to admit, that it does not, in my judgment, contain any thing of sufficient moment to justify me in asking the use of your columns for a reply to it. In selecting parts of paragraphs, and sometimes parts of sentences, my colleague has exhibited some ingenuity, and seems to have exercised much caution to avoid doing me justice, or to mislead his readers in relation to my opinions as formerly expressed. As far as I have observed, the custom that has prevailed with members of the House since the adoption of the hour rule, though they sometimes enlarge the argumentative part of speeches in the report, they studiously avoid printing any thing that refers to the opinions or declarations of members, unless it has been in fact uttered on the floor. By that means an opportunity is afforded gentlemen to explain or defend themselves, when it seems necessary. My colleague has thought proper to take a different course. As far as I am concerned, I have no objection whatever to his bringing into review my public acts and declarations in the manner chosen by him. It would, in my judgment, however, have been more appropriate for him to have assumed ostensibly, as he appears to have done really, the character of a pamphleteer. He seems anxious to make it appear that there is a discrepancy or inconsistency in my opinions on political points, as expressed at different times. Though I entertain no doubt but that, by making more copious extracts from my speeches than he has done, I should

be able to show that my opinions, as expressed, have not materially varied, yet I cannot suppose that the public generally feel an interest in the subject, since the establishing of my consistency would not in any manner affect the progress of legislative business. My own constituents have generally seen my speeches at length, and will not, therefore, I apprehend, require any explanation from me. But what advantage he can derive from misleading his own constituents, I cannot imagine. Should any thing in the progress of events in the future render it proper that I should offer explanation, I shall enter on it with entire confidence in my ability to make a successful defence.

Having disposed of the speech of my colleague, I will now, gentlemen, as I have found it necessary to resort to your columns, take this occasion to advert to certain other points of discussion. You have heretofore, while condemning ultra politicians, thought proper, in several of your editorials, to include me by name in that class.

But who are to be regarded as ultra politicians with reference to the great issue pending? The most ultra on the southern side of the question that I know of, claim that slavery shall go into all the territories of the United States which are common property, until it shall be excluded by State constitutions.

An ultra northern man is he who claims that slavery shall be excluded from all the territory. If one of these views be more ultra than the other, it must be the northern one, because, even if the southern view were adopted in practice, northern men might occupy any part of the territory without being deprived of any legal advantage which they possess in their own States, and would have the further privilege, if they chose to exercise it, of holding slaves. If, however, slavery should be excluded, the southerner would find himself deprived of certain advantages which he would enjoy at home.

Those men who, standing between these two opposite extremes, are willing that there should be an equitable division of the territory, may well claim to be the moderate men. In this class will fall, as far as I know, all the southern members of Congress, as well as the entire mass of the southern people. Whatever may be their views as to the powers of this Government over the territory, they are willing, in fact, that there shall be a fair division.

The real question at issue, therefore, is not whether the South shall have *all* the territory, or even more than the North, but whether it shall be permitted to possess *any part* of it. For example, if the Missouri line of 36° 30' were extended to the Pacific, then of all the common property, viz: the territory not included within any of the States, only one-sixth part lies south of that line; yet when, on behalf of the South, we insist that this comparatively small part shall be left open to us, our claim is denounced as a monstrous pretension, as insufferable southern arrogance.

With just as much fairness might the South be excluded from any share of the public money and other public property. Of the sum annually paid out of the public treasury, a small part comparatively is expended in the slaveholding States. This portion of the disbursement the North might insist on stopping with as good a grace as they can support their present claim. To prove that if that sum were also expended in the free States it would be productive of greater good, they might use just the same arguments that they now resort to. While the principle would be the same, too, in each case, it is clear that the ultimate mischief to the South in the future will be much greater from the exclusion from all the territory, than could

result from depriving us of any share in the public money.

If these new principles, which seem to have been adopted by most of the northern politicians, are to prevail; if this Government is to acquire territory by conquest or by purchase, and the southern States are to be required to furnish their full proportion of men and money, and then the fruits of victory are to be appropriated exclusively by the North, it is idle to suppose that the South will go into any such partnership.

The southern people have been free too long to consent thus to become the vassals of the North. As their object is to obtain a recognition of their right to participate fairly in the benefits of the national territory, their opposition is not limited to a particular mode of exclusion, as the Wilmot proviso. It extends to all such action on the part of the Federal Government as places it always against them and their institutions. If, for example, when territory is acquired in which slavery legally exists, as was the case with the Louisiana Territory, then the Government is directly to interfere, and by an act of Congress to abolish slavery, as it did in more than three-fourths of that Territory; and when, on the other hand, an acquisition of a different character is made, it is intentionally so to manage as to exclude slaveholders from all parts of it; it is obvious that the character of our political system would be essentially changed; so that the Government, instead of being that of the whole Union, would have been converted into a mere machine, for the advancement of the northern section.

By one mode of proceeding, for example, we are asked to admit California as a State forthwith. But New Mexico and Deseret are in just as much want of legislative aid, and their inhabitants are just as urgent in their demands for our action in their cases. Inasmuch, therefore, as the inhabitants of all these Territories are in the same situation, and have all presented us forms of government, why discriminate between them? Why grant the request of one set and refuse it to the others? Is it because California has made a constitution excluding slavery, while the other two Territories have not imposed any such restriction in their forms of government? Is it for this reason, I say, that we are to be required to admit her at once? If the majority from the North, instead of disposing of all these Territories at this time, they being equally entitled to our consideration, insist on pushing through California alone, is not the conclusion irresistible that it is their object merely to strengthen their hands, thus to enable them hereafter to secure the other portions of the Mexican territory by one mode or another?

Are southern men to be required to stultify themselves so far before the country as to affect to be blind to this state of things? Could we settle the whole Territorial question on equitable terms, we might be justified in waiving the strong objections to the manner in which this state of things was produced in California. The northern members have not only, by decisive majorities, from time to time repeatedly during the last three years, passed the Wilmot proviso through the House of Representatives, but even at the last session, when Mr. PIERCE'S bill to allow the people of that country to form a constitution was under consideration, they appended that proviso to it, and thus obliged its friends to abandon it. The people of the country there, being thus persuaded that their only chance to get into the Union was by the exclusion of slavery, very naturally incorporated the proviso into their constitution.

The course which you have to some extent pursued, however patriotic may be your motives, and more especially that of the *National Intelligencer*, seems to me calculated only to produce mischief. I refer to the attempt to underrate the condition of feeling at the South by extracts carefully culled from southern papers, letters, &c. No impres-

sion is thereby made on the South. The subject being one which every body there fully understands, opinions cannot be shaken in relation to it. Those persons who reason *know* that it is wrong that the South should not be permitted, with her institutions, to occupy any part of the common territory; such as are not accustomed to reason *feel* that the exclusion is a gross outrage on their rights. When any man, how high soever may be his position, declaims against the extension of slavery into any part of the territory, his words produce no more effect on the settled judgment of the South, than the dashing of the waves against the base of a mountain of solid granite. The only effect of these publications is to deceive the North. What possible good can result from keeping the people of that section in profound ignorance of the condition of things in the South? Is it wise thus to mislead the people there? Why not let them know that their movements may bring them into danger? Is it regarded as a wise stroke of policy, in a military commander, to conceal from his own troops the danger, until he can bring them up suddenly upon a masked battery? If the Union be in peril, nothing seems to me better calculated to increase the danger than such a course as this.

Even if these quotations should be fairly made from the particular papers selected, it must be remembered that they constitute a small portion of those published in the southern States. It may be remarked, too, that a number of these papers are published by northern men, some of whom retain their original sectional feelings, and are adroitly endeavoring to advance the anti-slavery views of the North. Other journals, partly from a party feeling of opposition to movements which found in the first instance more favor in the Democratic papers, and partly out of deference to the tone of the central press in this city, supposed to be in accordance with the views of the Administration, have echoed back what they supposed would be acceptable here. As, however, it has become manifest that they were unintentionally aiding the anti-slavery movement of the North, they have gradually been taking a better view of things; and I have no doubt but that, ultimately, all such of them as are governed by patriotic considerations will assume the proper position. The North is also misled by the fact that certain southern men seem willing to sacrifice the general national interests of the Union, by abandoning the rights of their own section and adopting the narrow sectional claims of the North. Whether these persons are governed by misguided patriotism, or are merely seeking northern support for their personal advancement, it cannot be expected that they should be sustained by those whose rights they are willing to surrender. If they have not already lost their influence, they will inevitably do so when their position is understood and the feeling has become intense. The effect of these things, however, can be productive of nothing but mischief, by misleading the North. Had the real state of feeling in the old thirteen colonies been understood in England six months before the declaration of independence, our revolution would never have occurred; but the British Parliament and people were cheated and deceived by the ministers and their organs, who declared, from time to time, that the complaint on this side of the Atlantic came only from a few ambitious and factious men, who were making a noise and exciting sedition to give themselves consequence; and that the great body of the inhabitants of the colonies were loyal, contented and quiet, and so attached to the general government and the union with Great Britain, that they would submit to whatever laws the Parliament might pass. With this example so familiar to American minds, is it not strange that similar delusion should now prevail?

But I will now advert to another point, viz: the means proposed to resist the improper action of the northern majority. I have expressed the opinion

that, under our obligations to support the Constitution of the United States, all means consistent with its provisions should be exhausted before there should be a recommendation to appeal to our rights above it. And I have hence advised that, under all the circumstances, if an equitable adjustment cannot be obtained of the territorial question, then we ought to refuse to pass any appropriation bills for the support of the Government. The idea of refusing supplies is not of American origin. It has been claimed in England as the undoubted right of the parliament to refuse, at its own discretion, supplies to the executive. This right, too, has in practice from time to time been exercised to protect the rights and liberties of the people of England, and has even been the means of extorting additional privileges from the British monarchs.

Will it be pretended that the representatives of American freemen ought to do less to protect the essential rights and liberties even, of the people whom they represent? In England, however, nothing less than a majority of the representatives can do this; but under our Constitution the minority may effect the same object. Nobody will, I apprehend, affirm that the same act, *quæ se*, which would be proper when done by the majority, would be wrong if effected by the minority, acting in the manner provided by the Constitution itself. The act of the majority is only effective because the Constitution so declares; but this same Constitution provides also that certain acts, when done by the minority, shall be effective. This difference between our Constitution and that of Great Britain operates in behalf of liberty, and to protect the rights of the minority. It is in some respects like the presidential veto, which every body admits ought in certain cases to be exercised, though it does have the effect of defeating the action of the majority. The Constitution of the United States, under which alone Congress acts, provides that one-fifth of the members present may demand that the ayes and noes shall be taken on any question which may be submitted by the Speaker.

It is also provided that each House may adopt its own rules of order. Such rules have been adopted already by the House of Representatives, and are, until modified or changed by the House itself, as much binding on the Speaker and every member as any constitutional provision whatever. In accordance with these rules, certain motions may be made, and the ayes and noes taken from time to time. Under the Constitution and these rules, one-fifth of those members present have undoubtedly the power to prevent the passage of laws, and to prevent also the adoption of any motions for a change of the old rules of the House. Unquestionably this is a power in the hands of the minority which might be abused; so, however, might any other power granted by the Constitution, whether given to the majority, the minority, or to a single individual, as the president, judge, or other officer. If the minority, for mere factious or slight purposes, were thus to impede legislation, this would, undoubtedly, be a great abuse; but if that minority were, on the other hand, to resort to this system only temporarily, and as a matter of defence against a well-settled and gross system of injustice and tyranny on the part of the majority, then their conduct would not only be no abuse of its powers, but would, in fact, be a most praiseworthy and patriotic action for the protection of the essential rights of their constituents. No citizen has a right to strike another person; but if one is assailed and beaten, then he is justified in striking the assailant until he compels him to desist from his attack.

Since this mode of resistance was suggested, it seems to have been received with much favor by Southern men. From many evidences within my reach, I select the following passage from a letter to me, which seems to present fairly the view taken in the South, so far as I am able to understand it.

The writer is not only one whose opinion will have as much weight as that of any one in North Carolina, from his standing and talents, but is entitled to the more consideration from the fact that, during a service of many years in Congress, he was not less distinguished for his moderation and conservative views than for the firmness and ability with which he maintained them. As the letter from which I make the extract was a private one, I do not give the name of the writer, much as I might, by so doing, strengthen the judicious statement of the case made by him. He says:

"I approve of your position to resist the passage of the appropriation bills until the slavery question is finally settled. This is a much better and more effectual plan than for southern members to leave their seats, which I have seen proposed in some quarters. Should the southern members merely leave their seats and return home, it will produce no result: the North will pocket the public money and laugh at them. The matter can be settled nowhere but upon the floor of Congress, except by a dissolution of the Union, which nobody desires. If fifty of our southern members would lay aside all other party ties and act firmly and openly together, they can force the North to do what is right, and what she ought to do without hesitation. Resist all bills for the support of Government until this subject is finally and satisfactorily settled, particularly the annual appropriation, the army and navy bills. Let it be distinctly understood that you will oppose these measures by every parliamentary tactic in your power, and that you cannot be bought off, forced off, nor coaxed off, until justice is done the South; and, in my judgment, success is inevitable. At all events, if I were there I would try the experiment until March 4, 1851.

"The South has no direct interest in the passage of these bills, and if the object of refusing them is understood, I have no doubt it will be cordially approved. Should Congress adjourn without passing these bills, there will very soon be organized a powerful party in the North to put down Free-soilism and Abolitionism both. I do not think we should be plagued with either again for some time. In a movement of this kind every thing depends on it being carried out by firm, honest, and true men, and I hope enough such may be found in Congress to undertake it. In spite of all the clamor it will raise in the North and among those who live by the Government. It is a harsh measure, but in my opinion it is the only one left to save the Union and protect the South. Desperate diseases require desperate remedies."

Should this means of resistance be adopted by the southern members, there would be, I have no doubt, excitement at first and anger in the North. To allay it, however, if they are consistent and sincere in their expressions of devotion to the constitution and laws, it would only be necessary for us to remind them of their own doctrine. If we complain of the threatened action of the majority, they advise us to refer the matter to the Supreme Court of the United States, which, they say, is the great constitutional arbiter whose decisions all good citizens who love law and order must submit to. If they complained of this action of the minority, we, of course should recommend them to apply for redress to the Supreme Court. Should that august tribunal decide, for example, that one-fifth of the members present had not the right to demand the ayes and noes, then it would doubtless furnish to the complainants such remedial process as the Constitution of the United States and the laws provide in such cases. Should northern gentlemen be so inconsistent as to decline to await the effect of this slow process, then they would probably attempt to change the existing rules of the House. But as these rules have been fixed and approved by the American Congress for many years, they are as much revered in certain quarters as were the laws of the Medes and Persians in their day. In

other words, southern men, seeing how our country has prospered under these rules, may not choose to have them changed in any respect, and may resort to the same means to prevent a change as those above indicated. Should the majority in that contingency, as it has been threatened they will do, attempt to substitute their own rules, arbitrarily adopted, and to displace the existing Speaker because of his fidelity to the Constitution, then their conduct, being unlawful, forcible, and revolutionary, would justify and require a forcible action on the part of the friends of the Constitution to resist their attempts. It would thus turn out that the northern members, having in the first place been guilty of a tyrannical abuse of their powers under the Constitution, and finding that that instrument contained a provision for the protection of the minority, whose rights they had sought to trample on; this majority, I say, finding that they were balked in their efforts by the Constitution itself, would a second time put themselves in the wrong, by an appeal to force. In such a case we, who might use the means necessary to defeat this revolutionary movement, would be standing in defence of the Constitution and laws. Feeling the force of as high obligations as could possibly rest on a human being, I cannot doubt but that in this contingency southern men will do their duty without regard to any personal peril that may be incurred.

One purpose of such a movement as this would be to teach the North that, under the powers granted in the Constitution both to majorities and minorities, great mischief in practice might be caused. An appeal would thus be made in the most solemn manner to the good sense and right feeling of the masses of the people there, and they might then decide whether or not they were willing to carry on our political system as we have heretofore done.

The time when we ought to resort to this mode of action, I hold, should be after a clear demonstration that the majority, by an arbitrary exercise of their power, intend to disregard the constitutional and natural rights of the southern portion of the Confederacy. When this shall be made manifest—when we are brought to see that the powers of this central government are to be used against our people—that instead of being *their* government, it is to them a *foreign and hostile* government—then it is our duty to withdraw all support from it as far as our powers will enable us to do. Northern gentlemen, however, tell us that it would be more manly, and more becoming a high-minded and chivalrous people, to let legislation take its course, and resort to revolutionary remedies. Others of them place great reliance on the federal army and navy, and say that without any trouble to the North they will, by blockading southern ports and sending troops where they are needed, soon bring the South into submission to such laws as they may choose to pass. I have no doubt but that they are perfectly willing, as they say, to vote all the money in the treasury to have their acts executed.

But, I tell these gentlemen frankly, that however willing I might be in matters that concerned myself alone, to make concession when there is an appeal to my magnanimity, I do not feel at liberty thus to act when the rights of others are at stake. I will not, if I have the power to prevent it, needlessly jeopardize those whom I represent. If there is to be a collision, I do not wish the sword of Brennus thrown into the scale against my section. If there is to be a struggle, in any event, between the South and the North, I desire that this, the common Government, may stand as a neutral. If I have power, I will, in that event, put this Government under bonds to keep the peace. As in that contest I know that the South will have the right on her side, I am not willing that the Federal army and navy shall be used against her. After the appropriations for the current year are expended, the

President will have no more power to use the money in the treasury without an appropriation by law than any other person would have.

Whether southern members will take the step indicated, I shall not assume to say in advance, nor even to assert that they have the political, moral, and personal courage thus to defend their own section, should their judgment approve the course. These things the public must decide for itself, from such evidence as it has from time to time of southern feeling and southern action. Should this remedy be adopted, it must be temporary in its effects, and could hardly be expected to prove available after the fourth of March next. Then, and perhaps sooner, the southern people, seeing that their representatives could no longer, by any exertion, protect them, would be compelled to rely on their own efforts.

There is at this time less manifestation of excitement in the southern States than was exhibited a little while since. But no one ought to be deceived as to the real cause of this comparative quiet. This state of things is in no wise attributable to eulogies on the Union, nor to denunciations of southern movements.

The people of the southern States suppose they have seen indications sufficient to induce them to hope that there may be an equitable adjustment of the question at issue. Nothing has contributed more to this than the rejection, by the House of Representatives, of the resolutions of Messrs. Root and Georges, embodying the principle of the Wilmot proviso. Throughout the South, generally, this has been regarded as an indication of a returning sense of justice in the minds of the majority. Other movements, since made here, contributed to the same result. The liberal views of certain northern gentlemen have operated in the same direction. A great impression has been made, on the southern mind especially, by the able, manly, and national speech of Mr. WEBSTER; showing, as he did, that he had the statesmanlike sagacity to understand the real condition of the country, and the courage to meet the crisis. Avowing his readiness to do justice to all sections of the Union, according to the letter and spirit of the Constitution, he has by that effort contributed, in a most eminent degree, to raise the hope that the liberal and just men of the North would so far sustain him as in the end to lead to a fair adjustment of the difficulty. But should such not be the event—should the southern people find that they have been deceived—there will be a renewal, with redoubled energy, of all the former manifestations of excitement.

No where among them is there to be found that spirit of slavish submission to wrong, which it has been sought to inculcate from certain quarters. The only question on which they are divided is, whether they ought, in the condition of things just now, to go to war or not. Though silent, they are resolute. The feeling of determination is daily spreading and extending itself in all directions. The instant it appears necessary for them to act they will move forward like a torrent that, after being obstructed for a time, has with gathered strength broken down all that barred its way. I trust, then, that those who have the power in their hands will at once decide to give us an equitable settlement. There is danger in delay, since each month that passes by leaves a wider gap between the two sections. For myself, while here as a member, I will use my official station to preserve as far as I can the Constitution intact in its letter and spirit, and to protect, if possible, from the threatened wrong, those whom I have the honor in part to represent. Failing in this, I shall be found with the people of the South in whatever movements they may find necessary to guard their safety and honor.

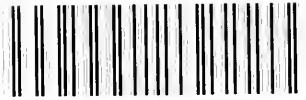
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